

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **CONSENT ORDER OF SUSPENSION**
)
Barry P. Lindler)
)
Certificate # 175044)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 12, 2003. On July 30, 2003, the State Department of Education (Department) sent Mr. Barry P. Lindler a notice of a hearing concerning the possible suspension or revocation of his South Carolina educator certificate # 175044 (certificate) to him by certified mail, return receipt requested delivery restricted to addressee. Mr. Lindler received the notice as evidenced by a postal receipt bearing his signature. Mr. Lindler initially requested a hearing but through his attorney, Robert D. Hazel, Esquire, subsequently agreed with the Department to resolve the matter without a hearing by proposing the following terms and conditions to the State Board: (1) His certificate will be suspended from May 30, 2003 through May 31, 2004, (2) The suspension will be reported to the NASDTEC clearinghouse and all South Carolina school districts on the statutory grounds of unprofessional conduct, and (3) The order will be maintained as a public record by the Office of General Counsel of the Department. After considering the evidence presented, the State Board voted to accept the suspension of Mr. Lindler's certificate as agreed to by the parties.

Mr. Lindler holds a valid South Carolina certificate and has over eight years of teaching experience. He has taught only in Lexington County School District Five (District) during his teaching career. He declined to accept a contract for the 2003-2004 school year, following an investigation by the District into allegations that he had removed technology equipment and software from Dutch Fork High School (School). He was a technology teacher and was a former teacher of the year at Dutch Fork. He was also chair of the School's technology committee and was the School's liaison with the District on technology matters. He had a ninety-minute block in his schedule every other day to repair, upgrade and maintain technology equipment at the School.

In July 2002, a truckload of used technology equipment was delivered to Irmo High School by a then unknown person. Since it appeared to be of little value the equipment was put in storage and forgotten. In February 2003 the District received a

Accepted

Barry
Lindler
175044

Initial Here

Date

Signature

phone call from a person claiming to be the mother of a friend of Mr. Lindler. She stated that Mr. Lindler had removed the equipment from Dutch Fork High and her son had returned it to Irmo after the two had a disagreement.

On February 10, 2003, Dutch Fork High School Principal Dr. Ron Cowden received a memo from District Technology Director Leroy Butler about the returned technology items. Mr. Butler included a list of items and the retail value of each, and the current availability if the item. The sum of the retail values of the items when new was several thousand dollars. On February 18, 2003, Dr. Cowden wrote Mr. Lindler, asking him to explain the situation. Mr. Lindler admitted he removed some technology equipment from Dutch Fork without permission. He stated he was removing the equipment to fix broken items and upgrade obsolete items.

Dr. Cowden indicated the property was of no value to the school and he didn't think Mr. Lindler should have been forced to resign. He would like to rehire Mr. Lindler, who he says is an excellent teacher.

District Human Resource Director Mattie Dillon stated Mr. Lindler was not authorized to take any equipment home to repair or upgrade. She stated that The District Technology Office is responsible for performing such tasks.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes: "unprofessional conduct." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regulation 43-58 (1992). The State Board finds that the preponderance of the evidence presented supports its decision to accept the proposal of the parties to suspend Mr. Lindler's certificate. Accordingly, the Board hereby suspends Mr. Lindler's certificate # 175044 from May 30, 2003, through May 31, 2004, on the terms and conditions set forth above.

South Carolina State Board of Education

/S/ Greg Killian
Greg Killan, Chair

Columbia, South Carolina
November 12, 2003

I, Barry P. Lindler, SC Teaching Certificate # 175044, do hereby agree to this Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Wednesday, November 12, 2003

11/06/03
Date

/S/ Barry Lindler
Signature